

Introduced by Senator Polanco

January 5, 1998

An act to amend Sections 37252 and 51216 of, to add Section 42239.4 to, and to add and repeal Section 42239.2 of the Education Code, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1370, as introduced, Polanco. Education: supplemental reading instruction.

(1) Existing law requires the governing board of each school district that maintains any or all of grades 7 to 12, inclusive, to offer summer school instructional programs for pupils assessed as not meeting the district's adopted standards of proficiency in basic skills.

This bill would expand this requirement to require the governing board of each school district that maintains kindergarten or any or all of grades 1 to 6, inclusive, to offer summer school, year-round school intersession, or after school instructional programs for students assessed as not meeting the district's standards or statewide minimum English reading performance standards. The bill would also modify existing law regarding summer school instructional programs in grades 7 to 12, inclusive.

Because these provisions would create new duties for school district governing boards, this bill would impose a state-mandated local program.



(2) Existing law provides that instruction in basic skills, which is required to be provided to any pupil who does not demonstrate sufficient progress toward mastery of these skills, may be provided in summer school programs.

This bill would also permit this instruction to be provided in year-round school intersession and after school.

(3) Existing law, the Back to Basics Summer School Reading Program of 1996, authorizes school districts to expend funds for summer school reading instruction for pupils leaving grades 1 to 3, inclusive, if certain conditions are met.

This bill would authorize school districts to provide supplemental reading instruction through after school instruction, not to exceed one hour per day per student, and through summer school, Saturday instruction, year-round school intersession, prekindergarten, and extension of the regular school year. The bill would allocate funds appropriated for these purposes.

The funding provisions would become inoperative on July 1, 2001, and on January 1, 2002, would be repealed.

(4) Existing law requires the governing board of each school district to take appropriate steps to ensure that pupils' progress toward proficiency in basic skills is assessed in the English language at least once during the 4th through 6th grade experience, once during the 7th through 9th grade experience, and twice during the 10th through 11th grade experience.

This bill would also require each school district governing board to take appropriate steps to ensure this assessment is made at least once during the 2nd through 3rd grade experience.

Because this provision would create new duties for school district governing boards, this bill would impose a state-mandated local program.

(5) Existing law permits a principal to arrange a conference to review the progress of any pupil who does not demonstrate that he or she will be able to meet prescribed standards upon exit from the 6th, 8th, or 12th grade.

This bill would extend a principal's authority to arrange a conference for a pupil exiting the 2nd and 4th grades.



(6) This bill would appropriate an unspecified amount to the Superintendent of Public Instruction for the exclusive purpose of funding supplemental instruction for reading.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) Patterns of educational achievement are
4 established in the primary grades.

5 (b) It is critical that children acquire reading skills in
6 order to access school curriculum.

7 (c) Additional instruction will enable children to meet
8 state and local standards for reading.

9 (d) It is the goal of the Legislature that all children in
10 California be able to read by the end of the third grade
11 by the year 2000.

12 SEC. 2. Section 37252 of the Education Code is
13 amended to read:

14 37252. (a) The governing board of each district
15 maintaining any or all of grades 7 to 12, inclusive, shall
16 offer *and may require students to participate in* summer
17 school instructional programs for pupils enrolled in
18 grades 7 to 12, inclusive, who were assessed as not

1 meeting the district's adopted standards of proficiency in
2 basic skills pursuant to Article 2.5 (commencing with
3 Section 51215) of Chapter 2 of Part 28 *or the minimum*
4 *English reading performance standards adopted*
5 *pursuant to Section 60605.*

6 For purposes of this section, a pupil shall be considered
7 to be enrolled in a grade immediately upon completion
8 of the preceding grade.

9 (b) *The governing board of each district maintaining*
10 *kindergarten or any or all of grades 1 to 6, inclusive, shall*
11 *offer and may require students to participate in summer*
12 *school, year-round school intersession, or after school*
13 *instructional programs for pupils enrolled in*
14 *kindergarten or grades 1 to 6, inclusive, who were*
15 *assessed as not meeting the district's adopted standards of*
16 *proficiency in basic skills pursuant to Article 2.5*
17 *(commencing with Section 51215) of Chapter 2 of Part 28*
18 *or the minimum English reading performance standards*
19 *adopted pursuant to Section 60605.*

20 (c) The summer school programs shall also be offered
21 to pupils who were enrolled in grade 12 during the prior
22 school year after the completion of grade 12, and upon the
23 successful completion of the summer program, these
24 pupils may be reassessed for purposes of meeting the
25 district's standards of proficiency.

26 SEC. 3. Section 42239.2 is added to the Education
27 Code, to read:

28 42239.2. (a) A school district may provide
29 supplemental reading instruction for elementary school
30 pupils in kindergarten to grade 6, inclusive, through
31 summer school, Saturday instruction, year-round school
32 intersession, prekindergarten instruction, and extension
33 of the regular school year. A school district may also
34 provide supplemental reading instruction through after
35 school instruction, not to exceed one hour per student per
36 day.

37 (b) A school district that provides supplemental
38 reading instruction pursuant to subdivision (a) shall give
39 first priority to students in kindergarten to grade 3,
40 inclusive, and to students who do not meet the minimum

1 English reading performance standards adopted
2 pursuant to Section 60605.

3 (c) Notwithstanding subdivision (b), if a school
4 district determines that it contains a high concentration
5 of students who do not meet the minimum English
6 reading performance standards adopted pursuant to
7 Section 60605 or standards of proficiency in basic skills
8 adopted by the district pursuant to Article 2.5
9 (commencing with Section 51215) of Chapter 2 of Part 28,
10 the district may provide supplemental reading
11 instruction pursuant to subdivision (a) on a schoolwide
12 basis.

13 SEC. 4. Section 42239.4 is added to the Education
14 Code, to read:

15 42239.4. (a) Notwithstanding subdivision (e) of
16 Section 42239, the Superintendent of Public Instruction
17 shall allocate, from funds appropriated for that purpose,
18 funding for purposes of Section 42239.2 in accordance
19 with the following:

20 (1) For the 1998–99 fiscal year, a school district's
21 maximum entitlement for reimbursement for pupil
22 attendance in supplemental reading instruction shall be
23 an amount equal to 10 percent of the district's enrollment
24 in kindergarten and grades 1, 2, and 3 for the prior fiscal
25 year times 120 hours, times the hourly rate for the current
26 fiscal year determined pursuant to subdivision (c) of
27 Section 42239.

28 (2) For the 1999–2000 fiscal year, a school district's
29 maximum entitlement for reimbursement for pupil
30 attendance in supplemental reading instruction shall be
31 an amount equal to 20 percent of the district's enrollment
32 in kindergarten and grades 1, 2, and 3 for the prior fiscal
33 year times 120 hours, times the hourly rate for the current
34 fiscal year determined pursuant to subdivision (c) of
35 Section 42239.

36 (3) For the 2000–01 fiscal year, a school district's
37 maximum entitlement for reimbursement for pupil
38 attendance in supplemental reading instruction shall be
39 an amount equal to 30 percent of the district's enrollment
40 in kindergarten and grades 1, 2, and 3 for the prior fiscal

1 year times 120 hours, times the hourly rate for the current
2 fiscal year determined pursuant to subdivision (c) of
3 Section 42239.

4 (b) With the exception of subdivision (e), Section
5 42239 is applicable to this section.

6 (c) This section shall become inoperative on July 1,
7 2001, and on January 1, 2002, is repealed, unless a later
8 enacted statute that becomes effective on or before
9 January 1, 2001, deletes or extends the dates on which it
10 becomes inoperative and is repealed.

11 SEC. 5. Section 51216 of the Education Code is
12 amended to read:

13 51216. (a) The governing board of each district shall
14 take appropriate steps to ensure that the progress
15 towards proficiency in basic skills is assessed in the
16 English language during the regular instructional
17 program *at least once during the 2nd through 3rd grade*
18 *experience*, at least once during the 4th through 6th
19 grade experience, once during the 7th through 9th grade
20 experience, and twice during the 10th through 11th grade
21 experience. If a district determines that a pupil who has
22 been identified as limited-English proficient pursuant to
23 Section 52164.1 does not possess sufficient English
24 language skills to be assessed for basic skills proficiency in
25 the English language, the district may defer the
26 assessment for a period of up to 24 calendar months of
27 enrollment in the California public school system until
28 the pupil has met the reclassification criteria pursuant to
29 Section 52164.6 and completed six months of instruction
30 in reading, writing, and comprehension in the English
31 language subsequent to his or her reclassification. The
32 prescribed six months of instruction in reading, writing,
33 and comprehension in the English language shall be
34 provided within the maximum 24-month assessment
35 deferment period required under this section. Each pupil
36 enrolled in grades 4, 5, and 6 shall be tested at least once
37 in grades 4 to 8, inclusive, within 24 months of his or her
38 enrollment in the school.

39 However, a limited-English-proficient pupil shall be
40 assessed for basic skills in the English language upon his

1 or her own request or upon the request of his or her
2 parent or guardian. A school district may grant
3 reciprocity in proficiency assessment results from
4 another school district for a pupil in any grade, except
5 12th grade, who has transferred from that district.
6 However, no school district shall reassess for purposes of
7 graduation eligibility any pupil in 12th grade who has
8 demonstrated proficiency up to the prescribed level for
9 high school graduation. Nothing in this section shall
10 preclude any district from conducting an assessment of
11 any pupil in English and in the native language of such
12 pupil.

13 (b) Proficiency assessments shall be used to determine
14 whether pupils need additional assistance in basic skills,
15 and if so, the appropriate content and mode of any
16 additional assistance. No individual English-speaking
17 pupil or limited-English-proficient pupil shall receive a
18 high school diploma unless he or she has passed the
19 English language proficiency assessment normally
20 required for graduation.

21 It is the intent of the Legislature that pupil assessments
22 measure the progress of each pupil in mastering basic
23 skills rather than the pupil's performance relative to his
24 or her classmates.

25 It is the intent of the Legislature that the governing
26 board of each school district make every effort possible to
27 periodically screen assessment instruments for racial,
28 cultural, and sexual bias.

29 (c) (1) In the case of any pupil who does not
30 demonstrate sufficient progress toward mastery of basic
31 skills so that he or she will be able to meet prescribed
32 standards upon exit from the 2nd, 4th, 6th, 8th, or 12th
33 grade, whichever is appropriate, the principal may
34 arrange a conference among the parent or guardian of
35 the pupil and a certificated employee familiar with the
36 pupil's progress to discuss the results of the individual
37 pupil assessment and recommended actions to further
38 the pupil's progress.

39 (2) The conference to discuss the results of the
40 individual assessment may be conducted on an individual

1 basis among the parent or guardian of the pupil, the
2 certificated employee familiar with the pupil's progress,
3 and the pupil, as the case may be.

4 (3) If those conferences are conducted on a group
5 basis, the pupil or the parent or guardian may request,
6 and may be granted, a conference on an individual basis
7 without having to attend the group conference.

8 (4) The secondary school pupil shall attend the
9 conference. The elementary school pupil shall attend the
10 conference unless the principal's designee and the parent
11 or guardian agree that his or her presence would not be
12 in the pupil's best interest.

13 (5) The pupil and the parent or guardian may be
14 requested in writing to attend the conference. The notice
15 may be written in the primary language of the parent or
16 guardian, whenever practicable. If the conference is to be
17 conducted on a group basis, the notice may specify the
18 right of the pupil or the parent or guardian to request and
19 be granted a conference on an individual basis without
20 having to attend the group conference.

21 Notices to pupils in grades 9 to 12 shall inform the
22 parent or guardian that the pupil shall not receive a high
23 school diploma unless the prescribed standards are met.

24 (6) Absent a response from the parent or guardian the
25 school may communicate directly the information
26 contained in the written request.

27 (7) At the conference, the instructional program
28 which shall be provided to assist the pupil to master basic
29 skills shall be described. If the parent or guardian does not
30 attend the conference, that information shall be
31 communicated to the parent or guardian by other means
32 within 10 days of the date of the conference.

33 (d) Instruction in basic skills shall be provided for any
34 pupil who does not demonstrate sufficient progress
35 toward mastery of basic skills and shall continue until the
36 pupil has been given numerous opportunities to achieve
37 mastery. That instruction may be provided in summer
38 school ~~programs~~ *year-round school intersession, and after*
39 *school*. Pupils who a district determines do not possess
40 sufficient English language skills to be assessed for basic



1 skills proficiency in the English language shall be deemed
2 not to demonstrate sufficient progress towards mastery of
3 basic skills for purposes of this section. The appropriate
4 contents and mode of the remediation assistance for
5 pupils of limited English proficiency who are not assessed
6 in the English language for their proficiency in basic skills
7 pursuant to this section shall be based upon, but need not
8 be limited to, the diagnostic assessment procedures
9 prescribed by Section 52164.1.

10 SEC. 6. (a) _____ dollars (\$____) is hereby
11 appropriated from the General Fund to the
12 Superintendent of Public Instruction for allocation
13 pursuant to Section 42239.2 of the Education Code.

14 (b) For the purposes of making computations
15 required by Section 8 of Article XVI of the California
16 Constitution, the appropriation made by this section shall
17 be deemed to be “General Fund revenues appropriated
18 to school districts,” as defined in subdivision (c) of Section
19 41202 of the Education Code for the 1997-98 fiscal year
20 and be included within the “total allocations to school
21 districts and community college districts from General
22 Fund proceeds of taxes appropriated pursuant to Article
23 XIII B,” as defined in subdivision (e) of Section 41202 of
24 the Education Code for the 1997-98 fiscal year.

25 SEC. 7. Notwithstanding Section 17610 of the
26 Government Code, if the Commission on State Mandates
27 determines that this act contains costs mandated by the
28 state, reimbursement to local agencies and school
29 districts for those costs shall be made pursuant to Part 7
30 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the
32 claim for reimbursement does not exceed one million
33 dollars (\$1,000,000), reimbursement shall be made from
34 the State Mandates Claims Fund.

35 Notwithstanding Section 17580 of the Government
36 Code, unless otherwise specified, the provisions of this act
37 shall become operative on the same date that the act
38 takes effect pursuant to the California Constitution.

39 SEC. 8. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or

1 safety within the meaning of Article IV of the
2 Constitution and shall go into immediate effect. The facts
3 constituting the necessity are:

4 In order to implement supplemental reading
5 instruction at the earliest opportunity, and to appropriate
6 funds for the 1998–99 school year, it is necessary that this
7 act take effect immediately.

